

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA

v.

ALEKSEI YURIEVICH BURKOV,

Defendant.

NOV 18 A 10:46

Case No. 1:15-CR-245
U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

Hon. T.S. Ellis, III

Filed Under Seal

**APPLICATION OF THE UNITED STATES FOR AN ORDER
AUTHORIZING TRAVEL RECORD PRODUCTION AND CONTEMPORANEOUS
ACCOUNT ACCESS**

The United States of America moves this Court, pursuant to the All Writs Act, Title 28, United States Code, Section 1651, for entry of an *ex parte* Order directing the Authorized Custodians of Records of TravelPort, LP ("TravelPort") and Sabre Global Distribution System ("Sabre"), or their designees, to assist in the execution of a federal arrest warrant by providing to the United States Attorney and his designees and representatives from the United States Secret Service ("USSS") all records, services, and usage for a period of two (2) years, for any accounts associated with the following information:

Name: Aleksei Yurievich Burkov
Alias(es): Aleksey Yurevich Burkov, Aleksey Vershinskiy
Address: St. Petersburg, Leningrad Skaya Oblast
Passport number: [REDACTED]

(the "Traveler").

It is further requested that TravelPort and Sabre be ordered to provide the United States Attorney and his designees, and/or representatives of the USSS complete and contemporaneous "real time" account activity information of the Traveler on a weekly, ongoing basis by telephone contact, email, and/or facsimile transmission, for a period of two (2) years from the date of this

Order. TravelPort and Sabre shall neither intercept nor provide the content of any wire or electronic communications.

In addition, the government requests that this Order and Application be sealed and that TravelPort and Sabre and their agents and employees, shall not disclose the existence of the *ex parte* Application or this Order to any person except representatives of the United States Attorney and his designees and the USSS, unless and until further ordered by this Court, except that TravelPort and Sabre may disclose the existence of this Application and/or Order to an attorney for the purpose of receiving legal advice.

INTRODUCTION

The United States of America, by and through Dana Boente, United States Attorney, and Kellen Dwyer, Assistant United States Attorney, hereby moves this Court under the All Writs Act, 28 U.S.C. § 1651, for an order requiring TravelPort and Sabre to assist in the execution of a federal arrest warrant by periodically reviewing its records for evidence that the subject of the arrest warrant is traveling.

FACTS

On August 13, 2015, this Court issued an arrest warrant for Aleksei Yurievich Burkov ("BURKOV"), pursuant to a grand jury indictment returned the same date. In the indictment, a grand jury in this district charged BURKOV with Wire Fraud and Access Device Fraud, in violation of 18 U.S.C. §§ 1343 and 1029(a)(2), respectively, as well as with conspiracy to violate those statutes. BURKOV is currently a fugitive and believed to be living in Russia.

BURKOV is believed to travel outside of Russia frequently. The USSS has confirmed that BURKOV traveled to Thailand from Russia in between January 4 and January 19 of 2014 for a vacation. The USSS also believes that BURKOV recently traveled to Finland from Russia.

TravelPort is a Travel Commerce Platform providing distribution, technology, payment, and other solutions for the global travel and tourism industry. TravelPort processes roughly one third of all air travel reservations. TravelPort is capable of searching for and retrieving travel records for individuals whose travel reservations are processed using or through TravelPort's computers. This Application seeks an order requiring TravelPort to use any such capability, to assist agents in complying with the arrest warrant.

Sabre is also a Travel Commerce Platform providing distribution, technology, payment, and other solutions for the global travel and tourism industry. Sabre processes roughly one third of all air travel reservations. Sabre is capable of searching for and retrieving travel records for individuals whose travel reservations are processed using or through Sabre's computers. This Application seeks an order requiring Sabre to use any such capability, to assist agents in complying with the arrest warrant.

DISCUSSION


The All Writs Act provides that “[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). As the Supreme Court explained, “[t]he All Writs Act is a residual source of authority to issue writs that are not otherwise covered by statute.” *Penn. Bureau of Corr. v. United States Marshals Serv.*, 474 U.S. 34, 43 (1985). “The power conferred by the Act extends, under appropriate circumstances, to persons who, though not parties to the original action or engaged in wrongdoing, are in a position to frustrate the implementation of a court order or the proper administration of justice ... and encompasses even those who have not taken any affirmative action to hinder justice.” *United States v. New York Tel. Co.*, 434 U.S. 159, 174 (1977). Specifically, in *United States v. New*

York Tel. Co., the Supreme Court held that the All Writs Act permitted district courts to order a telephone company to effectuate a search warrant by installing a pen register. Under the reasoning of *New York Tel. Co.*, this Court has the authority to order TravelPort and Sabre to use any capabilities they may have to assist in effectuating the arrest warrant.

WHEREFORE, it is respectfully requested that the Court grant an *ex parte* order pursuant to the All Writs Act, Title 28, United States Code, Section 1651, that the Authorized Custodian of Records of TravelPort and Sabre, or their designees, assist in the execution of a federal arrest warrant by providing to the United States Attorney and his designees and/or representatives of USSS, records and services for the Traveler.

It is further requested that TravelPort and Sabre be ordered to: (a) provide to the United States Attorney and his designees and/or representatives of the USSS complete and contemporaneous account activity information for the aforesaid Traveler on a weekly basis by telephone contact, email, and/or facsimile transmission, for a period of two (2) years from the date of this Order; and (b) not disclose the existence of this Application and/or Order of the Court, or the existence of the investigation, or this request until further ordered by the Court, except that TravelPort and Sabre may disclose this Application and/or Order for the purpose of receiving legal advice.

Respectfully submitted,



Kellen S. Dwyer
Assistant United States Attorney

Date: November 18, 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA

v.

ALEKSEI YURIEVICH BURKOV,

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Before the Court is the Government's motion for an order requiring TravelPort, LP ("TravelPort") to assist law enforcement agents in the arrest of a known fugitive. It appearing, to the satisfaction of the Court, that there is reason to believe that the information sought in said application will aid in the execution of a federal arrest warrant as well as the investigation and prosecution of criminal activities, namely violations of 18 U.S.C. §§ 1343 and 1029(a)(2), it is hereby ORDERED, pursuant to the All Writs Act, Title 28, United States Code, Section 1651(a), that the Authorized Custodian of Records of TravelPort, LP ("TravelPort"), or its designees, assist in the execution of a federal arrest warrant by providing to the United States Attorney and his designees and/or the United States Secret Service ("USSS"), all records and services for any accounts associated with the following information:

Name: Aleksei Yurievich Burkov
Alias(es): Aleksey Yurevich Burkov, Aleksey Vershinskiy
Address: St. Petersburg, Leningrad Skaya Oblast
Passport number: [REDACTED]

(the "Traveler").

It is further ORDERED that TravelPort shall provide the United States Attorney and/or representatives of the USSS complete and contemporaneous "real time" account activity information of the Traveler on a weekly, ongoing basis by telephone contact, email, and/or facsimile transmission, for a period of two years from the date of this Order, unless sooner

renewed. TravelPort shall not intercept, nor shall TravelPort provide, the content of any wire or electronic communications.

It is further ORDERED that this Order and Application are sealed until otherwise ordered by the Court, and that TravelPort, LP and its agents and employees shall not disclose the existence of, or the information disclosed pursuant to, the Application and this Order of the Court to any person, except to an attorney for the purpose for receiving legal advice, or to authorized representatives of the United States Attorney and his designees, or to the USSS, unless and until further order of this Court.

Signed,

Hon. T.S. Ellis, III
UNITED STATES DISTRICT JUDGE

Date: _____

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Before the Court is the Government's motion for an order requiring Sabre Global Distribution System Sabre ("Sabre") to assist law enforcement agents in the arrest of a known fugitive. It appearing, to the satisfaction of the Court, that there is reason to believe that the information sought in said application will aid in the execution of a federal arrest warrant as well as the investigation and prosecution of criminal activities, namely violations of 18 U.S.C. §§ 1343 and 1029(a)(2), it is hereby ORDERED, pursuant to the All Writs Act, Title 28, United States Code, Section 1651(a), that the Authorized Custodian of Records of Sabre, or its designees, assist in the execution of a federal arrest warrant by providing to the United States Attorney and his designees and/or the United States Secret Service ("USSS"), all records and services for any accounts associated with the following information:

Name: Aleksei Yurievich Burkov
Alias(es): Aleksey Yurevich Burkov, Aleksey Vershinskiy
Address: St. Petersburg, Leningrad Skaya Oblast
Passport number: [REDACTED]

(the "Traveler").

It is further ORDERED that Sabre shall provide the United States Attorney and/or representatives of the USSS complete and contemporaneous "real time" account activity information of the Traveler on a weekly, ongoing basis by telephone contact, email, and/or

facsimile transmission, for a period of two years from the date of this Order, unless sooner renewed. Sabre shall not intercept, nor shall Sabre provide, the content of any wire or electronic communications.

It is further ORDERED that this Order and Application are sealed until otherwise ordered by the Court, and that Sabre and its agents and employees shall not disclose the existence of, or the information disclosed pursuant to, the Application and this Order of the Court to any person, except an attorney for the purpose for receiving legal advice, or to authorized representatives of the United States Attorney and his designees, or to the USSS, unless and until further order of this Court.

Signed,

Hon. T.S. Ellis, III
UNITED STATES DISTRICT JUDGE

Date: _____